

REMARKS

Claims 1-6 are pending in the application. Claims 1, 2, 5, and 6 are currently amended. Accordingly, claims 1-6 will remain pending in the application upon entry of the amendment presented herein.

No new matter is added. Support for the amendments can be found in the originally filed application. In particular, support for the amendment to claim 1 can be found at least, for example, in the paragraph at page 2, lines 28-31; the paragraph spanning from page 3, line 31 to page 4, line 7; the paragraph at page 4, lines 9-14, FIGURES 1 and 2, and claims 1-6 as originally filed. Support for the amendments to claims 2, 5, and 6 improve the grammar and provide better antecedent basis for certain phrases; support for these amendments is implicit.

35 U.S.C. § 102

The Office Action rejects claims 1-6 under 35 U.S.C. § 102(b) over U.S. Patent No. 4,764,665 to Orban et al. (hereinafter "Orban"). Applicants respectfully traverse this rejection.

Currently amended independent claim 1 recites a flexible garment system including an electrically and thermally conductive area and at least two yarn-based power supply lines that are integrated into the fiber base structure during manufacture of the fiber base structure.

Applicants respectfully traverse this rejection because Orban fails to disclose either (i) two yarn-based power supply lines, (ii) power supply lines that are integrated into a fiber base structure, or (iii) power supply lines that are integrated into a fiber base structure during manufacture.

Orban fails to disclose two yarn-based power supply lines.

As discussed previously, Orban does not disclose "yarn-based power supply lines." In contrast, Orban discloses a metal-coated fabric 11 and 14 powered by a copper busbar 12 and a "suitable busbar or wire 16." See Orban, col. 3, lines 21-33.

The Office Action asserts at page 2 that the metalized fabric between the busbars is considered to be a power supply line because current flows throughout the

entire surface. The Office Action cites the proposition that “[d]uring examination, claim limitations are to be given their broadest reasonable reading” in support of this assertion. Office Action at 2, citing In re Zietz, 893 F.2d 319, 321, 13 U.S.P.Q.2d 1320, 1322 (Fed. Cir. 1989); and In re Prater, 415 F.2d 1393, 1404-04, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969).

Applicants respectfully assert that the Examiner’s interpretation of “yarn-based power supply lines” is inconsistent with the interpretation that those skilled in the art would reach and therefore is unreasonable.

The Office’s discretion in interpreting claim language is not unbounded. As noted in the Office Action, such an interpretation must be “reasonable.” Moreover, as stated in Section 2111 of the Manual of Patent Examining Procedure (“M.P.E.P.”), “The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” M.P.E.P. § 2111, citing In re Cortright, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999). See also In re Morris, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997) (The “PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.”).

Applicants respectfully assert that one of ordinary skill in the art would interpret a “power supply line” as the component that supplies power to the electrically and thermally conductive heating area.

Once the claim is construed properly, it would be equally clear to one of ordinary skill in the art that the electrically-conductive fibers in the heating area of Orban are not “power supply lines” as recited by Applicants. Rather, Orban makes clear that the metalized fabric between busbars 12 and 16 is the element responsible for heating the garment. See, e.g., Orban, col. 2, lines 5-7 & FIGS. 1-2. Orban both describes and illustrates the metalized fabric to be a component that is distinct from the “wire 16” and “connector 18” which are elements that supply the power to the metalized fabric. Specifically, the connector 18 directly contacts the energy source (see Id., col. 2, lines

34-35) and, as noted by the Examiner, the metalized fabric is separated from both the wire and connector by virtue of being “between busbars.” Office Action at 2.

Orban fails to disclose power supply lines that are integrated into a fiber base structure.

Even if one were to assume, *arguendo*, that the metalized fabric (*i.e.*, the heating element) of Orban also constitutes a “power supply line,” Applicants respectfully assert that the heating element is not incorporated into the fiber base structure of the garment (*i.e.*, the glove or blanket of Orban). Rather, Orban discloses that the heating element be placed between inner and outer insulating fabric layers. See, e.g., Orban, col. 3, lines 35-38 & col. 4, lines 3-7.

Orban fails to disclose power supply lines that are integrated into a fiber base structure during manufacture.

The metalized fabric of Orban is not directly attached to a power supply and an electrical connector as recited in claim 1, but rather to two individual busbars.

Moreover, the purported “power lines” of Orban are not integrated into the fiber base structure during the manufacture of the same as recited by Applicants. Rather, the metal coated fabric 13 of Orban is “metalized following weaving.” Id., col. 2, lines 5-15 & 65-69.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1-6 under 35 U.S.C. § 102(b) over Orban.

Conclusion

Applicants respectfully request reconsideration of the rejections and allowance of the application with all claims presented herein. If a telephone conversation with Applicants' attorney would be helpful in expediting prosecution of the application, Applicants invite the Examiner to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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